

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**CINDY S. CARPENTER,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 2:06cv22  
(Maxwell)**

**COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION,**

**Defendant.**

**ORDER**

On February 27, 2007, Magistrate Judge John S. Kaull filed his Report and Recommendation in the above-styled matter wherein the parties were directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation. Plaintiff filed her objections on March 7, 2007.

Upon examination of the report from the Magistrate Judge, it appears to the Court that the issues raised in the Defendant's Motion to Dismiss, and the Plaintiff's Response thereto, were thoroughly considered by Magistrate Judge Kaull in his Report and Recommendation. The Court, upon an independent de novo consideration of all matters now before it, is of the opinion that the proposed Report and Recommendation accurately reflects the law applicable to the facts and circumstances before the Court in this action. Moreover, the Plaintiff's objections have not raised any issues that were not thoroughly considered by the Magistrate Judge in his Report and Recommendation. Therefore, it is

**ORDERED** that Magistrate Judge Kaull's Report and Recommendation be, and

the same hereby is, accepted in whole and that this civil action be disposed of in accordance with the recommendation of the Magistrate Judge. Accordingly, it is

**ORDERED** that Defendant's Motion to Dismiss Plaintiff's Complaint shall be, and the same hereby is, **GRANTED**. It is further

**ORDERED** that this civil action shall be, and the same hereby is, **DISMISSED** and **RETIRED** from the docket of this Court.

The Clerk of Court is directed to enter a separate judgment order and to send a copy of this Order to all counsel of record.

**ENTER:** June 25<sup>th</sup>, 2008

**/s/ Robert E. Maxwell**  
United States District Judge